

Henry C. Su (SBN 211202; suh@howrey.com)
Katharine L. Altemus (SBN 227080; altemusk@howrey.com)

HOWREY LLP
1950 University Avenue, 4th Floor
East Palo Alto, California 94303
Telephone: (650) 798-3500
Facsimile: (650) 798-3600

Robert Ruyak
Matthew Wolf
Marc Cohn
HOWREY LLP
1229 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 783-0800
Facsimile: (202) 383-6610

Attorneys for Plaintiffs
HOLOGIC, INC., CYTYC CORP. and HOLOGIC L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C08 00133 RMW (RS)

**STIPULATION AND [PROPOSED] ORDER
TO EXTEND TIME FOR PLAINTIFFS TO
RESPOND TO SENORX, INC.'S MOTION
TO STRIKE**

STIPULATION

The parties, through their respective attorneys of record, hereby stipulate to, and respectfully request that this Court, pursuant to L.R. 6-2 and 7-12, grant Plaintiffs a three day extension of time to respond to Defendant's Objections to and Motion to Strike Certain Portions of the Declaration of Glenn Magnuson in Support of Plaintiff's Motion for Preliminary Injunction (Dkt. No. 51-6). Under a granted extension of time, Plaintiffs' Opposition to Defendant's Motion to Strike would be filed on or before April 10, 2008 instead of April 7, 2008, in conjunction with Plaintiffs' Reply in Support of Plaintiffs' Motion for Preliminary Injunction. Plaintiffs seek this extension of time because they are currently focused on obtaining discovery to be used in the preparation of their Reply. If granted, the proposed modification maintains the standard briefing schedule under the Civil Local Rules for Plaintiffs' Motion for Preliminary Injunction but would allow briefing on an ancillary motion (i.e., Defendant's Motion to Strike) to be completed outside the standard schedule.

Other time modifications previously proposed or granted in this case include: (1) the parties jointly stipulated to an extension of time for Defendants to respond to Plaintiffs' initial Complaint; (2) the Court granted Plaintiffs additional time to file an Amended Complaint; (3) the parties jointly stipulated to an extension of time for Defendants to answer or otherwise respond to Plaintiffs' Amended Complaint; (4) the Court modified the briefing schedule for Defendant's Opposition and Plaintiffs' Reply to Plaintiffs' pending Motion for Preliminary Injunction.

Dated: April 2, 2008

By: /s/Katharine Altemus
Katharine Altemus

HOWREY LLP
1950 University Avenue, 4th Floor
East Palo Alto, California 94303
Telephone: (650) 798-3500

Attorney for Plaintiffs Hologic, Inc., Cytyc Corporation, and Hologic, L.P.

Dated: April 2, 2008

By: /s/ Aaron P. Maurer (w/ permission)
Aaron P. Maurer

WILLIAMS & CONOLLY LLP
725 Twelfth St. NW
Washington DC 20005
Telephone: (202) 434-5000

Attorneys for Defendant SenoRx Inc.

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Filer's Attestation

I, Katharine Altemus, am the ECF User whose identification and password are being used to file this Stipulation to Extend Time. Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from Aaron P. Maurer.

Dated: April 2, 2008

By: /s/ Katharine Altemus
Katharine Altemus

[PROPOSED] ORDER

Based on the parties' stipulation, and good cause appearing, it is hereby ordered that the Stipulation to Extend Time for Plaintiffs to Respond to Defendant's Objections to and Motion to Strike Certain Portions of the Declaration of Glenn Magnuson in Support of Plaintiff's Motion for Preliminary Injunction is GRANTED. Plaintiffs shall file their opposition no later than April 10, 2008.

IT IS SO ORDERED.

Honorable Ronald M. Whyte
United States District Court Judge